



In the United States Patent and Trademark Office

Serial Number: 10/510092
Application. Filed: August 6, 2002
Applicant: Kia Silverbrook
Application Title: Nozzle Guard For A Printhead
Examiner/GAU: Ly T Tran / 2853

Dated January 16, 2007
At: Balmain, NSW
Docket No. MJ85NPUS

Petition to Accept an Unintentionally Delayed Claim under 35 U.S.C. 120 and 365(c)

The Applicant hereby petitions to accept an unintentionally delayed claim under 35 U.S.C. 120 and 365(c) for the benefit of a prior-filed application in accordance with 37 C.F.R. 1.78(a)(3) and MPEP§1893.03(c).

- With respect to 37 C.F.R. 1.78(a)(3)(i), the reference required by 35 U.S.C. 120 and 37 C.F.R. 1.78(a)(2) is being concurrently filed herewith in the Applicant's Reply to the Office Action dated November 16, 2006;
- With respect to 37 C.F.R. 1.78(a)(3)(ii), the surcharge set forth in 37 C.F.R. 1.17(t) is being submitted herewith; and
- With respect to 37 C.F.R. 1.78(a)(3)(iii), it is submitted that the entire delay between the date the claim was due under 37 C.F.R. 1.78(a)(2)(ii) and the date the claim and the present Petition is being filed was unintentional.

Very respectfully,

02/06/2007 JADD01 00000085 10510092
01 FC:1454 1370.00 0P

Applicant/s:

Kia Silverbrook

Kia Silverbrook



Dep't Ref

PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	10/510092
Filing Date	December 8, 2004
First Named Inventor	Kia Silverbrook
Art Unit	1654
Examiner Name	
Attorney Docket Number	MJ85NPUS

Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input checked="" type="checkbox"/> Request for Refund	
	<input type="checkbox"/> CD, Number of CD(s) _____	
	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	Email: kia.silverbrook@silverbrookresearch.com	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	Telephone: 61-2-9818 6633	
	Facsimile : 61-2-9555 7762	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name			
Signature			
Printed name	Kia Silverbrook		
Date	August 14, 2006	Reg. No.	

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



In the United States Patent and Trademark Office

DECISION

Serial Number: 10/510,092
Application. Filed: December 8, 2004
Applicant: Kia Silverbrook
Application. Title: Nozzle Guard for a Printhead
Examiner/GAU:

AUG 17 PM 4:11

US PATENT & TRADEMARK
OFFICE

1654
Dated August 14, 2006
At: Balmain, NSW
Docket No. MJ85NPUS

REQUEST FOR REFUND

Commissioner for Patents
Washington, District of Columbia 20231

Dear Sir:

We refer to your petition decision letters dated June 13, 2006 and May 5, 2006.

The May 5, 2006 decision granted our Petition for "Withdrawal of Abandonment".
The June 13, 2006 letter dismissed our "Petition for Revival of an International Application".

The Applicant respectfully requests that the following request for a refund be considered:

- a refund of the revival and extra filing fee (US\$1,530) paid at the time of the "Petition for Revival of an International Application" (February 28, 2006) as, at the time of petitioning, the Applicant was unaware that the petition to "Withdraw Abandonment" (June 09, 2005) would grant, and did not expect it to grant.

The reason the Applicant petitioned for these two different types of Petitions is as follows:

- The Applicant did not realise the time period to pay the basic national fee had not expired and that the US\$1,080 would be applied to the US\$300 basic national fee, on December 8, 2004.
- The Applicant petitioned for a Revival of an International Application as he had not heard back from the USPTO since sending the Petition to Withdraw Abandonment (i.e., 8 months had elapsed) and the Applicant wished for this application to be revived within the shortest delays.

Very respectfully,

Applicant:



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